

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VICTOR CASTILLO, *individually and on behalf of*
others similarly situated,

Plaintiff,

-v-

LA TINFORA GROCERY CORP. et al.,

Defendants.

-----X

22 Civ. 9640 (PAE) (SDA)

ORDER

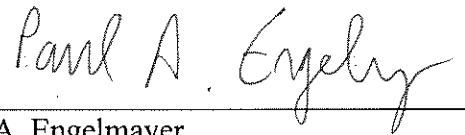
PAUL A. ENGELMAYER, District Judge:

On November 11, 2022, plaintiff filed a complaint against defendants under the Fair Labor Standards Act (“FLSA”) and New York labor law. Dkt. 1. On December 9, 2022, plaintiff’s counsel filed a letter on behalf of the parties to seek the Court’s guidance as to the dismissal of this case. Dkt. 13. Plaintiff’s counsel stated that plaintiff had expressed that he no longer wants to pursue claims against defendants and that, while plaintiff had not received any payments from defendants in connection to this case, defendants offered to pay plaintiff’s counsel costs and attorneys’ fees of \$2,623.50. *Id.*

The Court directs the parties to file, no later than December 21, 2022, a joint letter addressing whether a dismissal of the case on these terms—with plaintiff’s counsel’s fees and costs being paid but plaintiff receiving no recompense, and without judicial approval—is consistent with this Court’s obligation to review private settlements of FLSA claims, *see, e.g., Samake v. Thunder Lube, Inc.*, 24 F.4th 804 (2d Cir. 2022); *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). In addressing this issue, the parties shall specifically verify whether plaintiff’s dismissal would be secured by means of any payment, promise, or other

benefit offered by defendants. In the event the parties conclude that the Court's approval is required, the Court encourages the parties to explain, in their letter, why the proposed resolution satisfies the governing standards.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written over a horizontal line.

Paul A. Engelmayer
United States District Judge

Dated: December 14, 2022
New York, New York